



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

April 15, 2015

Mr. Shelton Davis
Shelton Davis
1043 Industrial Park Drive
Smithfield, NC 27577

*Please Update Mailing
Address.
Outlet Center Drive*

Subject: Notice of Noncompliance, N.C.G.S. §130A-310.35(f)
Annual Land Use Restrictions Update
Burkhart Carolina, #06015-02-91
1703 Dabney Dr., Vance County

*Please See
LUR Update.
Thank you!
Sharon Davis
(919) 938-1592*

Dear Mr. Davis:

Pursuant to the land use restrictions listed in the Notice of Brownfields Property recorded at the Vance County Register of Deeds, all owners of the subject brownfields property are required to submit an annual certification in 2 to maintain liability protection granted by the Brownfields Agreement. Our records indicate that Shelton Davis is a current owner of at least part of the subject brownfields property and that the last annual certification from this company was received 1/6/2014.

To minimize the chance of an assessment and/or cleanup order, and/or civil penalties, Shelton Davis or its authorized agent should immediately complete, sign, notarize, and submit a Land Use Restrictions Update ("LURU") to the following address:

**NC Division of Waste Management
Brownfields Program
1646 Mail Service Center
Raleigh, NC 27699-1646**

Site specific LURU forms are available by visiting <http://portal.ncdenr.org/web/wm/bf-lurus> or you may send a request to me at the contact information provided below.

Should you have any concerns or have information showing that you have not owned any part of the brownfields property since the Notice of Brownfields Property was recorded, please contact me by telephone at (910) 796-7401 or by e-mail at David.Peacock@ncdenr.gov.

Sincerely,

David Peacock

David Peacock
Brownfields Compliance Coordinator

Cc: Central Files

Ec: Bruce Nicholson, Brownfields Program Manager
Tony Duque, Brownfields Project Manager

1646 Mail Service Center, Raleigh, North Carolina 27699-1646

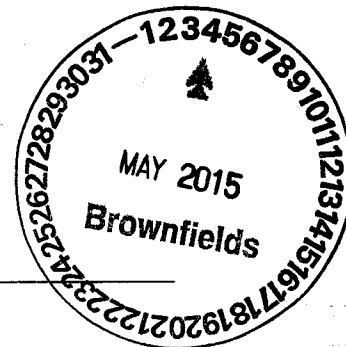
Phone: 919-707-8200 \ Internet: www.ncdenr.gov

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Brownfields Project #: 06015-02-91

Brownfields Property: Burkhart Carolina, 1703 Dabney Drive

Property Owner (In whole or part): Shelton Davis



LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No water supply wells may be installed or used at the Property.

In compliance ☒ Out of compliance ☐

Remarks: _____

LUR 2: No mining activities may be conducted on the Property.

In compliance ☒ Out of compliance ☐

Remarks: _____

LUR 3: No activities likely, as determined by the Department of Environment and Natural Resources ("DENR") in its sole discretion, to result in direct exposure to or removal of groundwater in the area of VOC-contaminated soil (including, but not limited to, excavation), may be conducted on the Property without prior sampling and analysis of groundwater in the area where such activities are to be conducted, submittal to DENR or its successor in function of the analytical results along with, if DENR so requires, plans and procedures to protect public health and the environment during those activities, and a written determination by DENR or its successor in function that those activities will not pose a threat to public health or the environment.

In compliance ☒ Out of compliance ☐

Remarks: _____

LUR 4: No basements may be constructed at the Property.

In compliance ☒ Out of compliance ☐

Remarks: No Construction has begun on Property

LUR 5: No fountains, ponds, lakes, swimming pools or other items which are supplied, in whole or in part, by groundwater may be constructed on the Property.

In compliance ☒ Out of compliance ☐

Remarks: _____

LUR 6: No chlorinated solvents, including but not limited to those listed in the tables in paragraphs (2)a. and (2)b. of the Notice of Brownfields Property ("Notice"), may be used, warehoused, or otherwise stored at the Property, except for those used in de minimis amounts for cleaning and for other routine housekeeping activities incidental to the uses of the Property approved in the Brownfields Agreement ("Agreement"), or offered for retail sale in household quantities by lessees, sublessees, assignees, and transferees in the normal course of their businesses.

In compliance ☒ Out of compliance ☐

Remarks: _____

LUR 7: Within thirty (30) days of each anniversary of the effective date of the Agreement, the owner of each portion of the Property shall submit a notarized Land Use Restrictions Update to DENR certifying that the Notice remains recorded at the Vance County Register of Deeds office, and that the land use restrictions herein are being complied with. The Land Use Restrictions Update shall also describe land uses and development activities that have occurred on the Property during the reporting period and that it is anticipated will occur on parcels adjacent to the Property, and shall contain a

certification that any building foundations and parking and driveway surfaces constructed on the Property are continuing to function as caps and are being properly maintained.

In compliance ☒ Out of compliance ☐

Remarks: _____

Notarized signing and submittal of this Land Use Restriction Update constitutes certification that the Notice remains recorded at the Vance County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by Shelton Davis,
owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Shelton Davis

In the case of owners that are entities:

Sh-A-C

Signature of individual signing: _____

Name typed or printed: _____

Title: _____

In the case of all owners:

Date: 4.24-15

[use for individuals]

[Name of Owner]

By: Shelton A. Davis
Name typed or printed:

NORTH CAROLINA
Johnston COUNTY

I, Sharon T. Davis, a Notary Public of the county and state
aforesaid, certify that Shelton A. Davis personally came before me this day,
demonstrated her/his identity, and signed the foregoing Land Use Restriction Update.

WITNESS my hand and official stamp or seal, this 24th day of
April, 2015

Name typed or printed: Sharon T. Davis
Notary Public

Sharon T. Davis

My Commission expires: 3.2.16

